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8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA

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11 DAVID BOSSELMAN,

12 Plaintiff,

13 vs.

14 THI OF NEVADA AT LAS VEGAS I,
LLC, etc., et al.,

15 Defendant.

16 Case No. 2:11-cv-01504-GMN-VCF

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**REQUEST FOR TELEPHONIC
APPEARANCE AT EARLY NEUTRAL
EVALUATION SESSION**

ENE DATE: May 7, 2012
ENE Time: 1:30 p.m.

MAGISTRATE JUDGE McQUAID

Defendant THI of Nevada at Las Vegas I, LLC d/b/a Harmon Medical and Rehabilitation Center (“Defendant”), by and through its counsel of record, Littler Mendelson, P.C., hereby submits this request to excuse Defendant’s insurance representative from participation at the Early Neutral Evaluation (“ENE”) session, or in the alternative, to allow Defendant’s insurance representative to be available telephonically.

Pursuant to the Order Rescheduling Early Neutral Evaluation Hearing (**Dkt. #19**), this case has been referred to the Honorable Robert A. McQuaid, Jr., to conduct an Early Neutral Evaluation (“ENE”) hearing in Las Vegas, Nevada on May 7, 2012, at 1:30 p.m. The rescheduling order requires the presence of an insurance representative with binding authority to settle this matter up to the full amount of the Plaintiff’s claim. However, in this case, Defendant files the instant request to excuse its insurance representative from attendance at the ENE session because Defendant has a Three Hundred Thousand Dollar (\$300,000.00) self-insured retention. In light of the probable value

1 of the claim and the lack of any settlement demand by Plaintiff to date, Defendant does not believe
2 there is any reasonable good faith possibility that the indemnity provision of the applicable insurance
3 policy will be triggered. Accordingly, Defendant believes that it would be more efficient and
4 economical to excuse the insurance representative from attendance at the ENE session.
5 Alternatively, Defendant requests that its insurance representative be allowed to be available to
6 participate in the ENE session telephonically, if needed.

7 Dated this 27th day of April, 2012.

8 LITTLER MENDELSON, P.C.
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11 BRUCE C. YOUNG, ESQ.
12 AARON SHUMWAY, ESQ.

13 Attorneys for Defendant THI of Nevada at Las
14 Vegas I, LLC

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16 IT IS SO ORDERED.
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21 UNITED STATES MAGISTRATE JUDGE
22 DATE: MAY 4, 2012
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